

August 24, 2018

EDWARD J. EMMONS, CLERK  
U.S. BANKRUPTCY COURT  
NORTHERN DISTRICT OF CALIFORNIA

Signed and Filed: August 24, 2018



*Dennis Montali*

DENNIS MONTALI  
U.S. Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF CALIFORNIA

In re ) Bankruptcy Case  
THOMAS M. WANDLASS, ) No. 18-30083  
Debtor. ) Chapter 13

MEMORANDUM REGARDING MOTION TO DISMISS  
WITH A TWO-YEAR BAR

On July 18, 2018, Thomas M. Wandlass ("Debtor") filed a motion and request for an extension of time to receive an art sale commission and make a payment to his secured creditor (the "First Extension Motion"). The court entered an order on July 20, 2018, granting the First Extension Motion and directing the debtor to provide the trustee with proof of his receipt of an expected art sale commission no later than August 3, 2018. The order stated: "If the funds have not been received and proof provided to the trustee by August 3, 2018, the MTD will be GRANTED, with a TWO-YEAR BAR, and the trustee shall upload an appropriate order."

On August 2, 2018, Debtor filed a "Proof of Payment/Request

1 for Dismissal & Request for Extention [sic] of Time." Debtor  
2 appended an email from the attorney handling the escrow  
3 distribution indicating that Debtor will receive a \$50,000  
4 commission by wire transfer when the sale closes on August 15,  
5 2018. On August 6, 2018, the Trustee filed a declaration of  
6 default and requested entry of an order dismissing the case with a  
7 two-year bar. Despite that request the court on the same day  
8 entered a Second and Final Order Extending Time for Receipt of  
9 Funds giving Debtor until August 16, 2018, to prove receipt of the  
10 expected funds.

11 Once again, Debtor missed that deadline and before the court  
12 could issue a requested dismissal he filed another request, this  
13 time asking until August 31, 2018. He did not support his  
14 request with competent evidence establishing that he will receive  
15 the funds by that date.

16 Enough is enough! The third request is denied and on August  
17 31, 2018, the court will enter an order dismissing this case with  
18 a two-year bar.

19 \*\*END OF ORDER\*\*  
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COURT SERVICE LIST

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